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Compulsory school  
attendance

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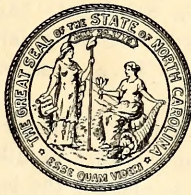
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# COMPULSORY SCHOOL ATTENDANCE

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*Election and Duties of Welfare Officer,  
Compulsory Attendance Law,  
and  
Rules and Regulations Adopted by  
the State Board of Education*



PUBLISHED BY THE  
STATE SUPERINTENDENT OF PUBLIC INSTRUCTION  
RALEIGH, N. C.

## INTRODUCTION

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I am glad to include in the reprint of this bulletin a statement by Mrs. Kate Burr Johnson, Commissioner of Public Welfare, whose activity through the attendance officers in the several counties is the responsible head for the enforcement of the compulsory attendance law.

The rules and regulations reprinted herein were formulated some years ago by the State Department of Public Instruction and the State Child Welfare Commission. The State Board of Education, acting under authority of law, approved and adopted them for the guidance of those charged with the responsibility of enforcing the law.

In addition to the authority conferred upon the attendance officer by law, every public school official, including boards of education, committeemen, superintendents, principals, and supervisors as well as teachers, is charged with definite duties and responsibilities, in connection with the enforcement of this law. Every person, connected in any official capacity with the public schools, should read carefully the law as well as the rules and regulations and inform himself fully as to his responsibilities and duties.

The law has distributed the authority clearly among the several officials. If the law is to be accompanied by a high degree of success there must be unhindered coöperation among all these officials.

I hope every effort will be made by all parties concerned to secure better school attendance. As parents realize the importance of regular attendance at school on the part of their children, they are more willing to make a greater effort to get them to school. Again the local school should command the respect of the whole community. If it is fortunate, community pride will be found to be a great asset in bringing children to school.

I should like, therefore, to request a greater interest in school attendance, and a greater willingness on the part of all school officials to coöperate with and support the efforts to enforce the law.

*A. T. Allen*

*State Superintendent Public Instruction.*

## STATEMENT BY MRS. KATE BURR JOHNSON

*Commissioner of State Board of Charities and Public Welfare*

Much interest centers now about the problem of improving school attendance in the State. Newspapers have often repeated the fact that one-fourth of the children enrolled in school are absent each day. The economic waste has been stressed; and the serious loss of educational opportunities to the child has been emphasized. North Carolina ranks low in comparison with the other states in school attendance. In addition to the large number who are absent each day, but who are actually enrolled, there are others whose names have never been on a teacher's rollbook. While North Carolina, through its Adult Literary Commission, seeks to stamp out illiteracy among grown people, numbers of children of school age remain out of school. With our improved school and road facilities, this should not be the case.

The County Superintendent of Public Welfare is the chief school attendance officer. The law makes this his prime responsibility. But one individual, who has numerous other duties, cannot enforce the law alone in the county. He is dependent upon the coöperation of the school officials, the teachers, and the local organizations, such as the Parent-Teacher Association, which frequently undertakes as a special project the improvement of school attendance in the community. The law requires the teacher to notify the superintendent of public welfare when an illegal absence occurs. For this reason, the school official shares largely in the responsibility when a child is out of school and no effort is made to learn why, or to return him to the schoolroom.

The State Board of Charities and Public Welfare now has a special Division of School Attendance for the purpose of stimulating interest in the state-wide problem of school attendance. This Division will coöperate with both the schools and the welfare departments in the effort to promote better attendance.

### Election of Superintendent of Public Welfare

Because one of the major duties of the county superintendent of public welfare is the enforcement of the compulsory school attendance law, the county board of education provides half the salary and expenses of the welfare officer. The board of education and the county board of commissioners meet jointly on the first Monday in June every two years for the purpose of electing a county superintendent of public welfare. The person elected must be approved by the county board of public welfare and the State Board of Charities and Public Welfare before assuming office. The State Board has a definite standard of qualifications which must be met by every candidate it approves.

Every county having a population of over 32,000 must employ a full-time welfare officer. In the smaller counties, the superintendent of schools may serve as superintendent of welfare ex officio.

## DUTIES OF SUPERINTENDENT OF PUBLIC WELFARE

*C. S. 5017. Powers and duties of county superintendent.* The county superintendent of public welfare shall be the chief school attendance officer of the county, and shall have other duties and powers as follows:

1. To have, under control of the county commissioners, the care and supervision of the poor, and to administer the poor funds.
2. To act as agent of the State board in relation to any work to be done by the State board within the county.
3. Under the direction of the State board, to look after and keep up with the condition of persons discharged from hospitals for the insane and from other State institutions.
4. To have oversight of prisoners in the county on parole from penitentiaries, reformatories, and all parole prisoners in the county.
5. To have oversight of dependent and delinquent children, and especially those on parole or probation.
6. To have oversight of all prisoners in the county on probation.
7. To promote wholesome recreation in the county and to enforce such laws as regulate commercial amusement.
8. Under the direction of the State board, to have oversight over dependent children placed in the county by the State board.
9. To assist the State board in finding employment for the unemployed.
10. To investigate into the cause of distress, under the direction of the State board, and to make such other investigations in the interest of social welfare as the State board may direct.

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## COMPULSORY ATTENDANCE IN SCHOOLS

### ARTICLE 34. GENERAL COMPULSORY ATTENDANCE LAW

*Sec. 347. Parent or guardian required to keep child in school; exception.* Every parent, guardian, or other person in the State having charge or control of a child between the ages of seven and fourteen years shall cause such child to attend school continuously for a period equal to the time which the public school in the district in which the child resides shall be in session. The principal, superintendent, or teacher who is in charge of such school shall have the right to excuse the child from temporary attendance on account of sickness or distance of residence from the school, or other unavoidable cause which does not constitute truancy as defined by the State Board of Education. The term "school" as used in this section is defined to embrace all public schools and such private schools as have tutors or teachers and curricula that are approved by the county superintendent of public instruction or the State Board of Education.

All private schools receiving and instructing children of compulsory school age shall be required to keep such records of attendance and render such reports of the attendance of such children as are required of public schools; and attendance upon such schools, if the school or tutor refuses or neglects to keep such records or to render such reports, shall not be accepted in lieu of attendance upon the public school of the district, town, or city which the child shall be entitled to attend: Provided, instruction in a private school or by a private tutor shall not be regarded as meeting the requirements of the law unless the courses of instruction run concurrently with the term of the public school in the district and extend for at least as long a term.

*Sec. 348. State Board of Education to make rules and regulations; method of enforcement.* It shall be the duty of the State Board of Education to formulate such rules and regulations as may be necessary for the proper enforcement of the provisions of this article. The board shall prescribe what shall constitute truancy, what causes may constitute legitimate excuses for temporary non-attendance due to physical or mental inability to attend, and under what circumstances teachers, principals, or superintendents may excuse pupils for non-attendance due to immediate demands of the farm or the home in certain seasons of the year in the several sections of the State. It shall be the duty of all school officials to carry out such instructions from the State Board of Education, and any school official failing to carry out such instructions shall be guilty of a misdemeanor: Provided, that the preceding section shall not be in force in any city or county that has a higher compulsory attendance law now in force than that provided herein; but in any such case it shall be the duty of the State Board of Education to investigate the same and decide that any such law now in force has higher compulsory attendance feature than that provided by this article: Provided, that wherever any district is without adequate buildings for the proper enforcement of this article, the county boards of education may be allowed not more than two years from July the first, one thousand nine hundred and nineteen, to make full and ample provision in every district.

C. S. (III), 5758; 194 N. C., 620.

*Sec. 349. Attendance officers; reports; prosecutions.* The State Superintendent of Public Instruction shall prepare such rules and procedure and furnish such blanks for teachers and other school officials as may be necessary for reporting each case of truancy or lack of attendance to the chief attendance officer referred to in this article. Such rules shall provide, among other things, for a notification in writing to the person responsible for the non-attendance of any child, that the case is to be reported to the chief attendance officer of the county unless the law is immediately complied with. County boards of education and boards of trustees of special-charter districts have the right to appoint district attendance officers when deemed by them necessary, to assist in carrying out the provisions of this article, and the rules and instructions which may be promulgated by the State Superintendent of Public Instruction. But in every case in which it becomes necessary to prosecute for non-attendance the case shall be referred to the chief attendance officer of the county for further action: Provided, that in special-charter districts having special attendance officers paid out of local funds, said officers shall have full authority to prosecute for violations of this article.

C. S. (III), 5759.

Note: The county superintendent of public welfare is chief attendance officer. C. S. (III), 5016.

*Sec. 350. Violation of law; penalty.* Any parent, guardian, or other person violating the provisions of this article shall be guilty of a misdemeanor, and upon conviction shall be liable to a fine of not less than five dollars nor more than twenty-five dollars, and upon failure or refusal to pay such fine, the said parent, guardian, or other person shall be imprisoned not exceeding thirty days in the county jail.

C. S. (III), 5760.

*Sec. 351. Investigation and prosecution by county superintendent and attendance officer.* The county superintendent of public welfare or chief school attendance officer or truant officer provided for by law shall investigate and prosecute all violators of the provisions of this article. The

reports of unlawful absence required to be made by teachers and principals to the chief attendance officer shall in his hands, in case of any prosecution, constitute prima facie evidence of the violation of this article, and the burden of proof shall be upon the defendant to show the lawful attendance of the child or children upon an authorized school.

C. S. (III), 5761; 1925, c. 226, s. 2.

*Sec. 352. Investigation as to indigency of child.* If affidavit shall be made by the parent of a child or by any other person that any child between the ages of seven and fourteen years is not able to attend school by reason of necessity to work or labor for the support of itself or the support of the family, then the attendance officer shall diligently inquire into the matter and bring it to the attention of some court allowed by law to act as a juvenile court, and said court shall proceed to find whether as a matter of fact such parents, or persons standing in locus parentis, are unable to send said child to school for the term of compulsory attendance for the reasons given. If the court shall find, after careful investigation, that the parents have made or are making a bona fide effort to comply with the compulsory attendance act, and by reason of illness, lack of earning capacity, or any other cause which the court may deem valid and sufficient, are unable to send said child to school, then the court shall find and state what help is needed for the family to enable the attendance law to be complied with. The court shall transmit its findings to the county board of education of the county or, in special-charter districts, to the board of trustees in which the case may arise.

C. S. (III), 5762.

*Sec. 353. Aid to indigent child.* The county board of education shall, in its discretion, order aid to be given the family from the operating and equipment fund of the county school budget to an extent not to exceed ten dollars per month for such child during the continuance of the compulsory term; and shall at the same time require said officer to see that the money is used for the purpose for which it is appropriated and to report from time to time whether it shall be continued or withdrawn. And the county board of education is hereby authorized in making out the county budget to provide a sum to meet the provisions of this article.

C. S. (III), 5763.

#### ARTICLE 35. COMPULSORY ATTENDANCE OF DEAF AND BLIND CHILDREN

*Sec. 354. Deaf and blind children to attend school; age limits; minimum attendance.* Every deaf and blind child of sound mind in North Carolina who shall be qualified for admission into a State school for the deaf or the blind shall attend a school for the deaf or blind for a term of nine months each year between the ages of seven and eighteen years. Parents, guardians, or custodians of every such blind or deaf child between the ages of seven and eighteen years shall send, or cause to be sent, such child to some school for the instruction of the blind or deaf as is herein provided: Provided, that the board of directors of any school for the deaf or blind may exempt any such child from attendance at any session or during any year, and may discharge from their custody any such blind or deaf child whenever such discharge seems necessary or proper. Whenever a deaf or blind child shall reach the age of eighteen and is still unable to become self-supporting because of its defects, such child shall continue in said school until it reaches the age of twenty-one unless it becomes self-supporting sooner.

C. S. (III), 5764.

*Sec. 355. Parents, etc., failing to send to school, guilty of misdemeanor; provisos.* The parents, guardians, or custodians of any deaf children between the ages of seven and eighteen years failing to send such deaf child or children to some school for instruction, as provided in this article, shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, at the discretion of the court, for each year said deaf child is kept out of school between the ages herein provided: Provided, (1) that parents, guardians, or custodians may elect two years between the ages of seven and eighteen years that a deaf child or children may remain out of school, and, (2) that this section shall not apply to or be enforced against the parent, guardian, or custodian of any deaf child until such time as the superintendent of any school for the instruction of the deaf, by and with the approval of the executive committee of such institution, shall in his and their discretion serve written notice on such parent, guardian, or custodian, directing that such child be sent to the institution whereof they have charge.

C. S. (III), 5765.

*Sec. 356. Parents, etc., failing to send, guilty of misdemeanor; provisos.* The parents, guardians, or custodians of any blind child or children between the ages of seven and eighteen years failing to send such child or children to some school for the instruction of the blind shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned at the discretion of the court, for each year that such child or children shall be kept out of school between the ages specified: Provided, (1) that this section shall not be enforced against the parents, guardians, or custodians of any blind child until such time as the authorities of some school for the instruction of the blind shall serve written notice on such parents, guardians, or custodians, directing that such child be sent to the school whereof they have charge; and (2) that the authorities of the State School for the Blind and the Deaf shall not be compelled to retain in their custody or under their instruction any incorrigible person or persons of confirmed immoral habits.

C. S. (III), 5766.

*Sec. 357. To report defective children.* It shall be the duty of the superintendent to report, through proper legal channels, the names and addresses of parents, guardians, or custodians of deaf, dumb, blind and feeble-minded children to the principal of the institution provided for each and upon the failure of the county superintendent to make such reports he shall be fined five dollars for each child of the class mentioned above not so reported.

C. S. (III), 5767.

## RULES AND REGULATIONS

### ADOPTED BY THE

## STATE BOARD OF EDUCATION

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### COMPULSORY AGE AND ATTENDANCE

All children "between the ages of seven and fourteen," that is, from the seventh to the fourteenth birthday, are required to attend the public school continuously, except as hereinafter provided.

All children between the ages mentioned above "shall attend school continuously for a period equal to the time when the public school in the district in which the child resides shall be in session." If the public school in the district in which the child resides runs six months, or even as much as ten months, the child must attend so long as the public school is in session. A public school is construed to mean the school in the district supported by State and county funds and local district taxes.

The county Superintendent of Public Welfare is the chief school attendance officer provided for by law and is charged with the duty of investigating and prosecuting all violations of the compulsory attendance law. The reports of the teachers give him the necessary information upon which to proceed in the enforcement of the law.

### PRIVATE SCHOOLS AND TUTORS

If a child is attending a private school, he must attend for a term equal to that of the public school provided in the district in which the child resides. [*The original regulation with reference to private schools is now incorporated in section 347 of the compulsory attendance law.*] (1925, c. 226, s. 1.)

### WHEN ABSENCES MAY BE EXCUSED

Section 347 of the compulsory attendance act provides that "the superintendent, principal, or teacher who is in charge of such school shall have the right to excuse a child for temporary absence on account of sickness or distance of residence from the school, or other unavoidable causes which do not constitute truancy as defined by the State Board of Education." The superintendent, principal, or teacher, whenever said teacher is in charge of the school, may excuse children for non-attendance under the following conditions:

1. **Illness of the child** that incapacitates the child from attending school shall constitute a legitimate excuse for non-attendance. The principal or teacher, however, shall require a physician's certificate if a child is continually absent for illness, unless the teacher is satisfied that the child is really unable to attend school. But wherever it is inconvenient to secure a physician's certificate, it shall be the duty of the teacher to investigate continued absence for illness, and if the teacher is not satisfied that the reputed illness is sufficient cause for absence, she shall report the case to the county health officer for final decision.

2. **Illness in the family** is a legitimate excuse for non-attendance wherever it is apparent that the child's services are needed in the home or wherever there may be danger of spreading a contagious disease.

3. **Death in the immediate family** is likewise a legitimate excuse for non-attendance.

4. **Quarantine** is, of course, a legitimate excuse, and quarantine shall

be understood to mean isolation by order of the local or State Board of Health.

5. **Physical incapacity** shall be an excuse for non-attendance. This shall be interpreted to mean physical defects which make it difficult for the child to attend school, or which render the instruction of the child impracticable in any other than special class or a special school. Wherever possible, special classes should be provided for such pupils, who would be encouraged though not required to attend.

6. **Mental incapacity** shall be an excuse for non-attendance, and is interpreted to mean feeble-mindedness or such nervous disorder as to make it either impossible for such child to profit by instruction given in the school or impracticable for the teacher properly to instruct the normal pupils of the school. In the case of feeble-minded children the teacher shall designate the same in her reports to the county superintendent of public welfare, and it shall be his duty to report all such cases to the State Board of Charities and Public Welfare.

7. **Severe weather**, that may be dangerous to the health or safety of the children in transit to and from school, shall constitute a legitimate excuse for non-attendance.

8. **Distance from the school** shall constitute a legitimate excuse for non-attendance if a child resides two and a half miles or more by the nearest route of travel from the schoolhouse, and is not provided by the county or district with means of transportation. In such cases it shall be the duty of the County Board of Education to make investigation and to provide for the attendance of such children.

9. **Poverty** in certain cases may be a legitimate excuse, but all such cases must be reported to the county superintendent of public welfare. Coöperation of individuals and organized agencies engaged in specialized social work should be invoked by the teacher. In this connection, school officials are referred to sections 352 and 353 of the compulsory attendance law printed elsewhere in this pamphlet.

10. **The completion of the course of study** of the public school of the district in which the child resides shall excuse the child from attending school, although said child may not have reached his fourteenth birthday.

### DEMANDS OF THE FARM OR HOME

Section 348 of the compulsory school act provides that "immediate demands of the farm or home" in certain seasons of the year in the several sections of the State shall constitute a legal excuse for temporary non-attendance, and the State Board of Education is authorized to formulate such rules and regulations as it may deem necessary to meet the provisions of this act. Since the conditions in different parts of the State are so unlike, the State Board of Education authorizes the county boards of education to excuse temporary non-attendance in any particular county where the agricultural conditions are such as to show a reasonable need for the services of the children, under the following conditions:

1. Where it is apparent that the demands of the farm are serious enough to require the immediate services of the child, and

2. Where it is apparent that sufficient assistance to meet these demands is not at hand and cannot be secured.

3. Where it is apparent that the demands of the home, due to sickness or other causes, are such as to call for the immediate assistance of any child, and

4. Where it is apparent that immediate assistance is not available in the home and cannot be secured.

A full report of each and every case coming under this section must be sent to the State Department of Education on blanks supplied by the State Superintendent of Public Instruction, in order that the State Board of Education may determine to what extent this section of the law is appealed to.

There is no desire to work any hardship on any community. The object is to secure attendance first, and not to make the law so stringent as to work a hardship. It is well known that in the trucking season of the year the assistance of the older children in many cases is necessary. Moreover, at certain times during the cotton-picking season the assistance of the children is necessary. In other sections of the State agricultural demands may be such as to make the assistance of the older children necessary. But it hardly can be said that the children under ten years of age can be of much assistance, either in the cases of farm or domestic needs.

In such seasons of the year it might be wise to open school earlier and close about 12 or 1 o'clock, thus permitting the pupils to attend school the first half of the day and to aid their parents the second half. This has been tried with success in certain districts and only a very few students are actually required in the home or in the fields during the school session.

Note: Some counties have found it advantageous to divide the term by suspending the operation of the schools during cotton picking time.

### TRUANCY

Truancy is here defined to mean absence from school on the part of the child without the consent of the parent. The school should coöperate in every way possible with the parent to prevent or correct truancy, and the necessity for assuming this responsibility should be impressed upon the parent. It is particularly important to correct truancy in its early stages, because if not corrected there, it usually leads to serious forms of delinquency.

Any child who willfully absents himself from school for at least one day, is guilty of truancy, and it shall be the duty of the teacher to explain this law to the pupil and parent. Then if the child persists in willfully absenting himself from school, the teacher shall report the same to the attendance officer, whose duty it shall be to investigate the cause of his truancy and to notify the parent and the child that for the next offense reported by the teacher the child will be carried before the judge of the juvenile court, who has jurisdiction in the matter.

### OTHER UNLAWFUL ABSENCES

Section 350 of the compulsory attendance act provides that any parent or guardian violating the provisions of this act shall be guilty of a misdemeanor, that is, if any parent is the cause of the child's non-attendance by keeping said child at home or permitting the child to be employed in any way contrary to C. S. II, 5032, he shall be guilty of a misdemeanor and the penalty is prescribed in section 350.

All absences due to the consent or indifference of the parents shall be considered unlawful absences. Such absences shall not be construed as truancy, but as violations of section 350 of the compulsory attendance law.

Parents who refuse to comply with the health regulations of a community, such as compulsory vaccination, thereby causing their children to be excluded from the school, are responsible for the non-attendance of their children and come within the provisions of section 350 of the compulsory school law.

## SUSPENSION FROM SCHOOL

Whenever the conduct of any pupil in school is such as to make suspension advisable or necessary the teacher shall report the child, together with the causes for suspension, to the attendance officer, whose duty it shall be to investigate the matter, and if the child's conduct is such as to be a menace to the welfare of the school, said attendance officer shall carry the child before the judge of the juvenile court, who has jurisdiction in the matter.

The teacher and parent should coöperate to save such child to the school, and the teacher should use great caution in handling such cases, for suspension should always be the last resort of a teacher. No child should be suspended unless it is evident that the welfare of the school is endangered by his presence. Moreover, teachers should not hesitate to reinstate a pupil if it is at all evident that the child may be reclaimed, and a reinstatement should be allowed by the juvenile court as a part of the conditions of probation for the child.

## DUTIES OF THE TEACHER

The failure or success of the compulsory attendance law depends mainly upon the care and the tact with which it is enforced by the teachers. They come in direct contact with the children and parents and they may, by firmly yet reasonably insisting upon the positive compliance with the law in every detail and by building up public sentiment in the community, arouse a spirit of coöperation that will make the operation of the law entirely frictionless and harmonious. It is the teacher who has the best opportunity to instruct the pupils and parents in the value of regular attendance and point out the waste and decreased efficiency resulting from irregular attendance upon the school.

Notices and blanks for reports have been prepared for the use of the teacher, who should not rely solely on them for securing the attendance of pupils, but should visit parents who may not see the necessity of observing the law, and should seek the coöperation of other parents and all social organizations of the community in an effort to persuade the parents to send their children to school.

### Records and Reports Authorized by the State Superintendent.

Every teacher or principal is required to make the reports called for below, and the county superintendent shall not approve the final voucher of any teacher or principal until all reports have been made according to law. These forms are furnished by the welfare officer or county superintendent.

#### 1. Notice of Absence—Report Form C3.

Every teacher should impress upon the child the necessity of providing a prompt excuse of his absence. Each child should be instructed to bring a written excuse from the parent on the first day of the return to school after having been absent. Such a rule as this will decrease materially the number of notices to be sent to parents and will aid the teacher in accounting for the absences from school.

#### 2. Weekly Report to County Superintendent of Public Welfare—Report Form C5.

On each Friday afternoon the teacher or principal in charge shall report to the county superintendent of public welfare the names and other required information of all children of compulsory attendance age who were absent

during the preceding week and for whom no valid excuses were rendered. Only one report covering the entire school and signed by the principal will be necessary in schools of two or more teachers.

### 3. School Record of Evidence—Report Form C7.

Two weeks previous to the close of the school term the teacher or principal shall read and explain the child labor law and rulings of the Commission to the pupils. Opportunity shall then be given to those expecting to enter employment to make their desire known to the teacher or principal. Those wishing to enter employment will be furnished with a school record of evidence. The evidence secured upon this school record of evidence will be considered by the Superintendent of Public Welfare or authorized agent of the Commission in issuing a child labor certificate in accordance with the provisions of the Child Labor Law.

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